

Approved

***City of York Planning Commission
December 15, 2020
Minutes***

Members present:

Chairperson Wendy Duda
Arthur Lowry
Ron Parrish
Francine Mills
Matt Hickey

Members absent:

Others present:

Planning Director Breakfield
City Manager Duncan
Earl Coulston
Brady Sanford

Chairperson Wendy Duda called the meeting to order at 6:05 pm, indicated that the meeting was being held with a number of the members in-person and the remainder present virtually, verbally polled the individual Commission members to confirm attendance and stated the following:

1. Due to the COVID-19 pandemic, York City Council adopted an emergency ordinance allowing meetings to be conducted through the use of electronic, computer-based medium.
2. The City has chosen to conduct the meeting through the use of GoToMeeting.
3. The willingness of everyone to adapt to this new environment and adjust to the new format is greatly appreciated.
4. Each Commission member must individually vote by voice on each Motion (yay or nay).
5. Any Commission member that wishes to abstain from a vote must state the reason for such abstention.
6. Each person should be identified before speaking.
7. For the Commission members present virtually, each person should mute microphone unless speaking.

The first item of business was approval of the draft Minutes from the November 30, 2020 meeting. Upon a Motion by Matt Hickey, seconded by Ron Parrish, the Commission unanimously approved the draft Minutes as submitted.

For the second item of business, Chairperson Duda opened the floor for comments from the public on agenda items. It was noted that no comments from the public were received regarding any of the agenda items.

The third item of business was a preliminary plat application for Phase 5 of Austen Lakes Subdivision.

Planning Director Breakfield indicated the following regarding the application:

1. As background, a special exception application and conceptual site plan were previously approved for this phase by the Planning Commission and Board of Zoning Appeals.
2. Based on the conceptual site plan approval, the applicant has now prepared and submitted the preliminary drawings included in your meeting packet for the project. City staff reviewed and found the subject drawings substantially compliant with the approved conceptual drawings. As a note, the York Fire Department and Utilities Department have provided comments that need to be addressed in the drawings.
3. The submitted preliminary plat can be conditionally approved based on all fire and utility issues being addressed to the City's satisfaction:

After discussion and based upon a Motion by Matt Hickey, seconded by Ron Parrish, the Commission unanimously conditionally approved the application based on the following requirements being met:

- Fencing must be installed around the perimeter of the stormwater ponds (BMP).
- Reduce the tree spacing to 15 feet in the noted bufferyard.
- All fire and utility issues must be addressed.

The fourth item of business was discussion of a potential conceptual site plan and special exception application for a townhome development near the intersection of East Liberty Street and McFarland Road (Tax map # 0701501011).

Planning Director Breakfield indicated the following regarding this item:

- The Planning Commission must review and make a recommendation regarding the relevant rezoning application.
- The Commission must then consider the potential special application and conceptual site plan for the townhome project at the site. Any action on the special exception application must be contingent on the relevant rezoning application ultimately being approved by City Council.
- When considering the special exception application, the percentage of the overall property dedicated as open space is a very important design feature. Recent single family dwelling and single-family dwelling / townhome projects have provided +/- 40% of open space. The Coulston townhome project currently provides +/- 30% open space. A key question is should the open space percentage be increased to correspond with other recent approvals. If so, the housing density will probably be decreased accordingly. Either way, the housing density will be largely determined by the open space percentage.
- The proposed exterior building materials and open space/amenities should be tailored to more closely resemble those provided for the recent Fergus Crossroads and Alexander Meadows projects.
- The Planning Commission should state its feelings regarding open space percentage and amenities, housing density, exterior building materials, etc. The applicant would then have the opportunity to resubmit his application in compliance with Commission recommendations as well as City staff requirements previously provided to the applicant.

After much discussion and upon a Motion by Arthur Lowry, seconded by Ron Parrish, the Commission unanimously requested that the applicant revise and resubmit the application as follows:

1. All City staff requirements must be met.
2. The open space percentage should be increased to at least 35%.
3. The exterior façade materials should comply with the following:
 - The front of buildings shall be brick, stone or hardie board, or a combination of each.
 - The sides and rear of buildings may be vinyl siding.

The fifth item of business was an application to rezone property near the intersection of East Liberty Street and McFarland Road (Tax map # 0701501011) from HC- Highway Commercial to R5- Multifamily Residential.

Planning Director Breakfield indicated the following regarding the application:

- The applicant proposed a townhome project on the noted site; however, the property is currently zoned HC - Highway Commercial which does not allow townhome development. In a R5 district, townhome projects are allowed by special exception; therefore, the applicant proposed to rezone the property to R5 - Multi-Family Residential so that he may submit an application for a townhome development in accordance with special exception requirements.
- The applicant does not wish to rezone the property unless he can get the special exception proposal approved; therefore, he is submitting the rezoning and special exception applications for simultaneous review.
- As with any such rezoning request, the Planning Commission must review the application and make a recommendation to York City Council. The Planning Commission has a maximum of 75 days from this meeting to render a recommendation to City Council; otherwise, the Planning Commission is deemed to have recommended approval. Once the Planning Commission makes a recommendation to City Council, City Council will then review the application, the Planning Commission recommendation, conduct public hearing(s), receive public input and then make a final decision on the matter. If the application is ultimately denied, the application cannot be resubmitted for a period of at least one year.

- In reviewing the rezoning request, please be mindful of the following:
 - The Comprehensive Plan should be used as a guide during the zoning amendment process helping to decide if a proposed rezoning application is in keeping with the recommended long-range development pattern. The Plan does not attempt to predict the uses of individual parcels of land. Rather, it is used as a guide for general development pattern over a period of time.
 - The Comprehensive Plan notes this property as Neighborhood Commercial which is defined as being in close proximity to neighborhoods with low density, unobtrusive, and small scale design compatible with nearby residential development and serves to transition between residential and nonresidential uses. Although primarily commercial, some centers may include upper story residential and/or office. Sites will affectively minimize cut-through traffic.
 - The Comprehensive Plan notes that high-quality multi-family residential developments should also be encouraged where transportation and public facilities are sufficient to support them and that high density residential living is often located to create transitions from commercial or mixed-use areas to small-lot or larger-lot single family subdivisions.

After much discussion and upon a Motion by Matt Hickey, seconded by Ron Parrish, the Commission unanimously recommended approval of the application as submitted.

The sixth item of business was discussion of a proposed zoning amendment regarding the processing of home occupation applications.

After much discussion and upon a Motion by Arthur Lowry, seconded by Ron Parrish, the Commission unanimously approved the proposed amendment as submitted.

The seventh item of business was discussion of a potential amendment to the Rules of Procedure with respect to protocol for virtual meetings.

Planning Director Breakfield offered the following wording as a potential amendment to the Commission's Rules of Procedure:

***Standards for Electronic Meetings.** The Planning Commission may conduct public meetings partially or exclusively in electronic form, provided the medium for such meeting, whether telephonic, broadcast video, computer-based, or other electronic media, or any combination of these, and the conduct of the electronic meeting, allows for the following standards and practices to be met:*

- (a) At the beginning of any electronic meeting, the presiding officer shall poll the members of the Governing Body to confirm attendance, and any member of the Governing Body attending by way of electronic media shall be considered present for the purposes of constituting a quorum.*
- (b) Throughout the duration of the electronic meeting, all members of the Governing Body, as well as any officials or staff required to speak at such meeting, must have the capability to be heard at all times by any other member of the governing body and by the general public.*
- (c) Any vote of the Governing Body must be conducted by individual voice vote of the members of the Governing Body, who shall verbally indicate their vote on any matter by stating "yay" or "nay." All individual votes shall be recorded by the clerk, secretary, or presiding officers, as appropriate.*
- (d) Meetings shall be recorded or minutes kept in the same manner as an in-person meeting as required by the Act; provided, however, any digital broadcast of the meeting is not required to be kept as a record by the Governing Body.*
- (e) All members of the governing body, officials, staff, and presenters should identify themselves and be recognized prior to speaking. Members of the Governing Body shall strictly comply with the rules of the Governing Body as they relate to procedural matters in order to preserve order and allow for the effectiveness of electronic meetings.*
- (f) Electronic executive sessions shall be permitted in accordance with the provisions of the Act and the Governing Body shall properly announce its reason for going into any executive session in conformance with Section 30-4-70 of the Act. Upon the*

entry into any electronic executive session, meeting minutes need not be kept and the electronic meeting utilized for such executive session may be held by (i) a separate telephonic, broadcast video, computer-based, or other electronic media, or any combination of these wherein the public shall not be permitted to participate, or (ii) on the initial telephonic, broadcast video, computer-based, or other electronic media, or any combination of these, with the implementation of necessary participation or listening restrictions, provided that in either instance all members of the Governing Body must have the capability to be heard at all times.

(g) With respect to any electronic meeting, any public comment periods provided for by local ordinance, resolution, policy, or bylaws are hereby suspended. Members of the public may submit written public comments to the Clerk to Council by mail or email which shall be distributed to the members of the Governing Body.

After discussion and upon a Motion by Ron Parrish, seconded by Arthur Lowry, the Commission unanimously approved the meeting protocol amendment as submitted.

The eighth item of business was approval of the 2021 draft meeting calendar. Upon a Motion by Ron Parrish, seconded by Matt Hickey, the Commission unanimously approved the calendar as submitted.

Also, the Planning Commission discussed the following issues:

1. The creation of design standards for the South Congress Street entry corridor.
2. The creation of design standards for townhome development.

The Commission will further discuss these issues at subsequent meetings.

There being no further business, the meeting was adjourned at 7:20 pm.

Respectfully submitted,

C. David Breakfield, Jr. MCP, AICP
Planning Director

cc: File – Planning Commission 12/15/2020
Seth Duncan, City Manager